IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVEN ROSEMBERT, : CIVIL ACTION

Plaintiff,

v. : No. 13-2826

BOROUGH OF EAST LANSDOWNE,

<u>et al.</u>,

Defendants.

ORDER

AND NOW, this 14th day of January, 2016, upon consideration of "Defendants Borough of East Lansdowne, Officer Paul McGrenera and Officer Jesse Hartnett's Motion for Summary Judgment" (Doc. No. 51), "Motion for Summary Judgment of Defendants, Borough of Yeadon and Officer Shawn Burns" (Doc. No. 53), "Defendants, Tina Selimis, Officer Albertoli, and Borough of Lansdowne's Motion for Summary Judgment" (Doc. No. 54), and Plaintiff's Response (Doc. No. 60), and for the reasons set forth in this Court's accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendants' motions for summary judgment are **GRANTED** in part and **DENIED** in part such that:

- Summary judgment is **DENIED** as to Count I (excessive force) against all Defendant police officers;
- Summary judgment is **GRANTED** as to Count I in favor of the Defendant Boroughs;
- Summary judgment is **GRANTED** as to Count III (<u>Monell</u> liability) in favor of the Defendant Boroughs;

- Summary judgment is **DENIED** as to Count V (assault and battery) against Officers

McGrenera and Burns;

- Summary judgment is **GRANTED** as to Count VII (intentional infliction of emotional

distress) in favor of all Defendants;

— Summary judgment premised on qualified immunity is **DENIED**.

It is further ORDERED that a teleconference will be held on Thursday, January 21,

2016 at 2:30 p.m. to discuss a trial schedule and other pretrial matters. Counsel for Plaintiff shall

initiate the conference call with defense counsel prior to calling chambers.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.